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Sheriff Joe W. Patterson
Madison County Sheriff's Office
Madison County Courthouse
Huntsville, Alabama 35801

Sheriffs - Prisons and
Prisoners - Work Release -
Department of Corrections

Madison County Work Release
Program discussed.

Dear Sheriff Patterson:

This office has received your request for an opinion from the Attorney General, in which you ask whether you "have the authority to issue an order which prohibits the operation of the [Madison County] Work Release Program insofar as it requires daily ingress and egress from the jail facility itself." The answer to your question is that the statute creating the Work Release Program, Act No. 78-488 does restrict your ability to regulate the conduct of Work Release inmates in some instances but does not absolutely prohibit you from doing so.

You are correct in stating that you as sheriff have legal custody of prisoners in the County Jail. Code of Alabama, 1975, § 14-6-1. However, § 14-6-1 also provides that such prisoners are under your control "except in cases otherwise provided by law." The Work Release legislation for Madison County constitutes such an exception.

County Work Release inmates appear to be in your custody but subject to the terms of the sentencing court's order placing such inmates on Work Release. Section 1 of Act No. 78-488 provides for placing inmates on Work Release at sentencing or upon an inmate's motion during the course of serving his sentence. This section further provides that the Court may impose "terms and conditions" on an inmate's

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participation in the Work Release Program. Section 2 of the Act allows a sentencing judge to order an inmate to report for incarceration in the jail "during weekends or at such times or intervals of time as the Court may direct."

It would appear that an order such as you propose, which completely prevents Work Release inmates from leaving and re-entering the county jail on a regular basis, e.g., daily, could, and in all likelihood would, violate a sentencing court's orders placing inmates on county Work Release. Under the language of Act No. 78-488 and § 14-6-1, you do not appear to have the authority to issue an order contrary to or conflicting with the terms and conditions of a sentencing order. It does appear, however, that you retain the authority to issue orders concerning jail security that affect county Work Release inmates so long as the restrictions you impose do not conflict with the terms and conditions of the sentencing court's orders.

I hope that the above fully answers your question. If this office can be of any assistance to you, please let us know.

Sincerely

CHARLES A. GRADDICK
ATTORNEY GENERAL

BY-

JOHN GIBBS
ASSISTANT ATTORNEY GENERAL

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